

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMMY JONES,

Defendant.

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Case No. 4:06CR93SNL(AGF)

ORDER

On May 11, 2006 this matter came before the court for a hearing to determine whether defendant, Timmy Jones, is competent to stand trial pursuant to 18 U.S.C. § 4241(d). Defendant was present in court and represented by counsel, Mr. Brian Witherspoon. The government was represented by Assistant United States Attorney Matthew Drake. The court has received a Forensic Evaluation from Gordon M. Zilberman, a Forensic Psychologist at the Metropolitan Correctional Center in San Diego, California. Based on this Report and without objection by either party, the court finds by the preponderance of the evidence that defendant has the capacity to understand the nature and consequences of the proceedings against him and to assist properly in his defense. 18 U.S.C. § 4241(d).

The findings of the forensic examiner contained in his report are filed under seal and are incorporated by reference as if fully set out herein.

The court has not received at this time a Notice pursuant to Rule 12.2 of the Federal Rule of Criminal Procedure that defendant intends to rely on the defense of insanity at trial. However, in order to conserve time and resources, the government requested an examination pursuant to 18 U.S.C. § 4242 to be done at the same time as his competency examination in order to determine if he would have been able to appreciate the nature, quality and wrongfulness of his acts at the time of the charged defense. The forensic examiner has reached conclusions in this regard and those conclusions are contained in a separate report which is filed under seal. It is not at issue at this time

therefore the court makes no finding as to defendant's insanity at the time of the charged offense. However, the court notes for the record that it is the conclusion of Dr. Zilberman that defendant had the capacity to appreciate the nature, quality and wrongfulness of his acts at the time of the charged offense.

Accordingly,

IT IS HEREBY ORDERED that defendant has the capacity to understand the nature and consequences of the proceedings against him and to assist properly in his defense and is therefore competent to stand trial.

IT IS FURTHER ORDERED that having been found competent to understand the nature and consequences of the proceedings against him and to assist properly in his defense, the defendant shall answer the charges against him.

IT IS FURTHER ORDERED that the defendant shall appear for Detention Hearing on **Tuesday, May 16, 2006 at 10:30 A.M.**

/s/Mary Ann L. Medler
MARY ANN L. MEDLER
UNITED STATES MAGISTRATE JUDGE

Dated this 11th day of May, 2006.